IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2011 OF 2007

Vikas Gajanan Mhatre ...Petitioner
Vs.
The State of Maharashtra & Anr. ...Respondents

Mr.Viresh Vishwanath Purwant, Advocate for Petitioner
Mr. V.B.Konde Deshmukh, Addl.P.P for Respondent State.

CORAM: DR. S. RADHAKRISHNAN &
SMT.ROSHAN DALVI, JJ.
DATED: 29TH OCTOBER, 2007

P.C.

1. Rule. Rule made returnable forthwith.

2. Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent State.

3. The short relief sought by th Petitioner, who is an elected Municipal Corporator in Kalyan-Dombivali Municipal Corporation, is to attend the meeting fixed on 31st October, 2007 at Kalyan-Dombivali Municipal Corporation, for

casting his vote. In the event, he does not attend the meeting, the Corporation is likely to disqualify the Petitioner from being a Municipal Corporation.

4. We have perused the earlier order dated 16th August, 2007 passed by this Court for a similar relief in Criminal Writ Petition No.1436 of 2007.

5. Under the aforesaid facts and circumstances, the learned Counsel for the Petitioner assures that the Petitioner and his associates will maintain full peace while attending the said meeting and will not threaten any one in any manner whatsoever. He also assures that the Petitioner will bear expenses of the Police escort as he has to be taken in Police escort from the place where he is kept in detention.

6. In this behalf, the Petitioner shall deposit a sum of Rs.5,000/- with the Manpada Police Station, Dombivali towards the expenses of Police escort.

7. The 1st Respondent is directed to take the Petitioner Vikas Gajanan Mhatre to Kalyan-Dombivali Municipal Corporation on 31st October, 2007 for the purpose of casting his vote with adequate Police escort and as soon as he casts his vote, the

Petitioner shall be taken back to Manpada Police Station, Dombivli, where he is kept in detention.

8. The learned Additional Public Prosecutor assures that he will immediately inform the concerned Police Station regarding this order so that the Petitioner will be able to deposit the said amount of Rs.5,000/-.

9. The above Writ Petition stands disposed off accordingly. It is clarified that the Petitioner will be allowed only to cast his vote and will not take part in the election proceedings.

10. Parties to act on an authenticated copy of this order.

(SMT. ROSHAN DALVI, J.) **(DR. S. RADHAKRISHNAN, J.)**